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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/671,530

09/29/2003

Antonio Ruiz

NAID-102

7508

24956

7590

08/10/2006

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

NGUYEN, NAM V

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/671,530	RUIZ ET AL.	
	Examiner	Art Unit	
	Nam V. Nguyen	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓ | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The application of Ruiz et al. for a “large-scale hierarchical identification and verification for secured ingress and egress using biometrics” filed September 29, 2003 has been examined.

This application claims priority to U.S. provisional application number 60/414,054, which is filed on September 27, 2002.

Claims 1-20 are pending.

Information Disclosure Statement

An information disclosure form (PTO-1449) listing the references was not enclosed in the application.

Claim Objections

Claim 14 is objected to because of the following informalities: “step of 6” is not defined by the claim. An appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-5, 8-16 and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Calvesio et al. (US# 6,867,683).

Referring to claim 1, Calvesio et al. disclose a high security identification system for entry to multiple zones as recited in claim 1. See Figures 1 to 11 and respective portions of the apparatus and method.

Calvesio et al. disclose a system for controlling access of an individual to an area (column 2 line 66 to column 3 line 4; see Figures 3 to 7), the individual having a unique biometric identifier (an identify card having an ID code related to a biometric data) (column 3 line 5 to 16), said system comprising:

a computer (98) (i.e. a computer system) in communication with a database (16) (i.e. on file biometric database) (see Figures 1 and 8), said database (16) having stored biometric identifier information contained therein (column 4 line 44 to 58; column 5 line 39 to 54; see Figures 1-3 and 8);

a profile-generation application executable by said computer (98), said profile-generation application automatically generating a profile for the individual, said profile comprising at least one rule (i.e. a Scheduler) for controlling access to the area (i.e. a zone or authority area) by the individual (column 5 lines 46 to 57; see Figure 3); and

a verification application for comparing said individual biometric identifier with said stored biometric identifier information in said database (16) for determining whether to allow access to the area (i.e. a zone or authority area) to the individual as in accordance with said at least one rule (i.e. a Scheduler) (column 5 lines 55 to column 6 line 5; see Figures 3 and 5-10).

Referring to Claim 2, Calvesio et al. disclose the system of claim 1 further including an enrollment application executable (15) by said computer (98) (i.e. a computer system) for transferring said individual biometric identifier to said database (16) for enrolling the individual in the system (90) (column 4 line 53 to 58; column 6 lines 32 to 49; see Figures 1-2 and 4).

Referring to Claim 3, Calvesio et al. disclose the system of claim 1 wherein there are one or more additional applications (36 to 38) (i.e. a trace information record, update schedule data or record new personal data) executable by said computer (98) (i.e. a on-site decision making computer system) and said profile-generation application changes said profile for the individual

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(i.e. new personal data may be recorded) in response to the results of said one or more additional applications (column 6 lines 1 to 5; see Figures 3 and 9).

Referring to Claim 5, Calvesio et al. disclose the system of claim 1 further including an identification instrument (17) (i.e. an identification card) issued to the individual, said identification instrument (17) containing the biometric identifier (i.e. an ID number) of the individual, whereby the individual may present the identification instrument (17) for verification (column 4 line 4 to 16; see Figures 1, 3 and 5-9).

Referring to Claims 8 and 15, Calvesio et al. disclose a method for controlling access of an individual to an area, to the extent as claimed with respect to claim 1 above, Calvesio et al. disclose including enrolling the individual for access to the area by obtaining personal information, including personal biometric information, from the individual (column 6 lines 32 to 62; see Figures 4 and 9); generating a profile (step 37) comprising at least one rule (i.e. a schedule) for controlling the individual's access to the area (column 6 lines 1 to 5; see Figure 3); storing activity data (i.e. trace information is recorded) of the individual in a database (column 6 lines 6 to 10); performing data mining (i.e. an up-to-date physical appearance or behavior profile recorded for changes in appearance or habit) of said database to detect a pattern of activity by the individual, whereby said data mining produces a result; and automatically generating a new profile (i.e. new personal data) comprising at least one rule for controlling the individual's access to the area based on said result of said data mining (column 6 lines 12 to 31; see Figure 3).

Referring to Claim 9, Calvesio et al. disclose the system of claim 8 further including the step of providing the individual with an identification instrument (17) (i.e. an ID card), said identification instrument (17) including said personal biometric information to aid the system in verifying the identity of the individual (column 4 line 4 to 16; see Figures 1, 3 and 5-9).

Referring to Claim 10, Calvesio et al. disclose the system of claim 9 wherein said step of storing activity data includes storing a record of transactions performed by the individual when using said identification instrument to access the area (column 6 lines 12 to 31; see Figure 3).

Referring to claim 12, Calvesio et al. disclose the method for controlling access of an individual having a personal biometric identifier to an area, the claims 12 same in that the claims 1 and 5 already addressed above therefore claim 12 is also rejected for the same reasons given with respect to claims 1 and 5 above.

Referring to Claims 11, 13 and 19, Calvesio et al. disclose the system of claims 9, 12 and 15 wherein said personal biometric information comprises fingerprint data (column 9 lines 46 to 52), and said identification instrument (17) is a smart card containing encoded fingerprint data of said individual (column 10 lines 17 to 28; see Figure 10).

Referring to Claims 4 and 16, Calvesio et al. disclose the system of claims 3 and 15 wherein said one or more additional applications comprise a data mining application (38) (i.e. up-to-date physical appearance or behavior profile) that searches said database to correlate

activity patterns (i.e. appearance or habit) of the individual for determining whether a rule violation has occurred (column 6 lines 11 to 31; see Figure 3).

Referring to Claims 14 and 20, Calvesio et al. disclose the system of claims 12 and 15 wherein said database (16) is virtually compartmentalized (i.e. separated process for evaluation authorization) so that an operator can perform data mining operations without compromising the identity of an individual whose pattern of activity is being investigated (column 6 lines 1 to 31; column 10 lines 29 to 41; see Figures 3 and 10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calvesio et al. (US# 6,867,683) as applied to claim 5 above, and in view of Miyata (US# 5,095,196).

Referring to claim 6, Calvesio et al. disclose the system of claim 1, however, Calvesio et al. did not explicitly disclose a peripheral station having a peripheral computer in communication with said central computer and said central database, said peripheral computer being in

communication with a peripheral database, whereby a reader is in communication with said peripheral station for reading said individual biometric identifier stored in said identification instrument, and whereby, if said peripheral computer is unable to communicate with said central computer for verification, access to the area is denied to the individual.

In the same field of endeavor of identification card verification in an access communication system, Miyata teaches that a peripheral station (65) (i.e. a gate system) having a peripheral computer (100) (i.e. a general controller) in communication with said central computer (not shown) and said central database (70) (i.e. a remote database), said peripheral computer (100) being in communication with a peripheral database (25) (i.e. a hard disk drive) (column 4 line 47 to 60; see Figures 3-5), whereby a reader (27) (i.e. an image scanner) is in communication with said peripheral station (65) for reading said individual biometric identifier (4) (i.e. data field of ID card owner) stored in said identification instrument (1) (i.e. an identification card) (column 1 lines 26 to 36; column 4 lines 21 to 31; see Figures 1 and 3), and whereby, if said peripheral computer (100) is unable to communicate with said central computer (70) (i.e. a remote database) for verification, access to the area (i.e. a gate unit) is denied to the individual (column 6 line 56 to column 7 line 20; see Figure 6) in order to increase security for checking a person's authority to pass a check point into a high security area.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need for further verifying individual data in a remote database system for authority to pass a check point taught by Miyata in a high security identification system for entry to multiple zones of Calvesio et al. because using a remote data base to verifying an

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authorization of individual biometric information would increase security and flexibility of a security system.

Referring to claims 7 and 18, Calvesio et al. disclose the system of claims 1 and 15, to the extent as claimed with respect to claim 6 above, Calvesio et al. disclose whereby an enrollment application is executable by said peripheral computer (41) (i.e. enrollment system) for transferring said individual biometric identifier (i.e. a biometric data) to said peripheral database (16) for enrolling the individual in the system, and whereby said peripheral database is automatically synchronized with said central database for completion of enrolling of the individual (column 6 lines 32 to 62; see Figures 4 and 9).

Allowable Subject Matter

Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claim 17, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations wherein if said access activity constitutes a rule violation, said data mining application issues an alert and said profile generator application generates a new hierarchical profile for the individual.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bogosian, Jr. (US# 5,513,272) discloses a system for verifying use of a credit/identification card including recording of physical attributes of unauthorized users.

Weiss (US# 5,657,388) discloses a method and apparatus for utilizing a token for resource access.

Kristol et al. (US# 5,668,874) disclose an identification card verification system and method.

Clark (US# 5,892,902) discloses an intelligent token protected system with network authentication.

Schmitt et al. (US# 5,903,225) disclose an access control system including fingerprint sensor enrollment and associated methods.

DiMaria et al. (US# 6,075,455) disclose a biometric time and attendance system with epidermal topographical updating capability.

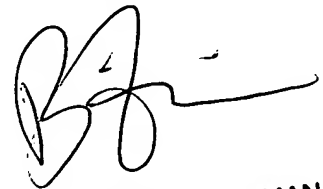
Zagami (US# 6,801,907) discloses a system for verification and association of document and digital images.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571- 272-7308. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen
July 25, 2006



BRIAN ZIMMERMAN
PRIMARY EXAMINER